IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 20767 of 2007(V)

PETITIONERS:

1. VIJU KUMAR A, AVITTAM,TC 10/916, (8),MANNAMOOLA, PEROORKADA P.O., THIRUVANANTHAPURAM.

2. T.M.MADHU, THENGANAKUNNEL (H), KOOROPADA P.O.,KOTTAYAM.

3. ANIAMMA KURIAN, ELANJIMATTOM HOUSE, PAYYAPPADY P.O.,KOTTAYAM.

4. SUJATHA K.B.,KURISUM CHIRA HOUSE PULIKUTTYSERRY P.O., KOTTAYAM.

BY ADVS. SRI.P.SREEKUMAR
& SRI.K.S.MANU (PUNUKKONNOOR)

RESPONDENTS:

1. STATE OF KERALA REP.BY THE SECRETARY SOCIAL WELFARE DEPARTMENT GOVERNMENT SECRETARIAT THIRUVANANTHAPURAM.

2. THE DIRECTOR,SOCIAL WELFARE DEPARTMENT VIKAS BHAVAN,THIRUVANANTHAPURAM.

3. THE COMMISSIONER FOR THE WELFARE OF THE PHYSICALLY HANDICAPPED. OFFICE OF THE COMMISSIONER, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.20767 of 2007 V

Dated this the 6th day of July, 2007.

JUDGMENT

The petitioners are provisional hands appointed under Rule 9(a)(i) of the Kerala State and Subordinate Services Rules. They are physically handicapped persons. All of them were appointed after **15.8.1999**. Therefore, they are not entitled to get regularisation in the light of Ext.P6 order dated 5.3.2005. By that order, the Government has directed to regularise those persons appointed between 15.8.1998 to 15.8.1999. The petitioners submit that regularisation of the persons appointed during the subsequent period was also within the contemplation of the Government. So, this writ petition is filed praying to extend the benefits of Ext.P6 to the petitioners also and for a declaration that the cut off date fixed as 15.8.1999 is unreasonable.

2. The petitioners, being provisional hands appointed under Rule 9(a)(i) of the Rules, have no legal right to claim regularisation in the light of the provisions contained

in the said Rule. Physically handicapped persons appointed during the period between 15.8.1998 to 15.8.1999 have been regularised pursuant to specific orders of the Government. Admittedly, there is no order covering the period during which the petitioners were appointed. Therefore, their claim is plainly untenable. When a benefit is granted to a group of persons, it is natural that a cut off date is fixed. Fixation of such cut off date has been upheld in several decisions of the Apex Court. Therefore, the contention of the petitioners, that the cut off date fixed as 15.8.1999 in Ext.P6 is unreasonable, does not merit consideration.

In the result, the writ petition fails and it is dismissed.

Sd/-

(K.BALAKRISHNAN NAIR)
JUDGE

sk/

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P.S. To Judge